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GREAT FALLS D.V.  
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PATRICK L. DUFFY, CLERK  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

DAVID EARL BURGERT, JR.,

Plaintiff,

vs.

ONE UNKNOWN PERSON; ALL  
UNKNOWN PERSONS THAT HAVE OR  
CONTINUE TO DENY MEDICAL  
TREATMENT/CARE TO PLAINTIFF FROM  
MAY 12, 2006 UNTIL PRESENT DAY

Defendants.

No. CV-07-23-GF-SEH

**ORDER**

United States Magistrate Judge Keith Strong entered his Findings and Recommendation on June 18, 2007. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear

error.

Upon *de novo* review of the record, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

Since the filing of Judge Strong's Findings and Recommendation, Plaintiff has filed two Motions to Transfer and a Second Amended Complaint.<sup>1</sup>

Plaintiff's Motions to Transfer are moot in light of this Court's adoption of Judge Strong's recommendation to dismiss Defendants United States of America, United States Attorney General, Director of the Federal Bureau of Prisons and David Edwardy.

Plaintiff's statement in his Second Amended Complaint that he "seeks to drop all Montana defendants from this case" will be treated as a request for a Rule 41(a)(1) voluntary dismissal.

ORDERED:

1. Judge Strong's June 18, 2007 Findings and Recommendation<sup>2</sup> are adopted in full and Defendants United States of America, United States Attorney General, Director of the Federal Bureau of Prisons and David Edwardy are DISMISSED.

2. Plaintiff's Motions to Transfer<sup>3</sup> are DENIED AS MOOT.

3. Plaintiff's request to dismiss the Montana defendants is GRANTED.

4. There being no remaining defendants, Plaintiff's Complaint<sup>4</sup>, Plaintiff's Amended

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<sup>1</sup>Docket No. 25.

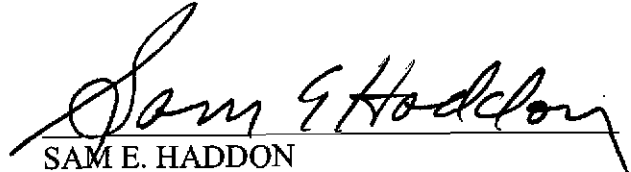
<sup>2</sup>Docket No. 22.

<sup>3</sup>Docket Nos. 23 and 24.

<sup>4</sup>Docket 1.

Complaint<sup>5</sup>, and Plaintiff's Second Amended Complaint<sup>6</sup> are DISMISSED and this matter should be closed.

DATED this 8<sup>th</sup> day of August, 2007.

  
SAM E. HADDON  
United States District Judge

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<sup>5</sup>Docket No. 18.

<sup>6</sup>Docket No. 25.